



Weitzman Law Offices, LLC
425 Eagle Rock Avenue, Suite 401
Roseland, New Jersey 07068
973.403.9940 (tel) / 973.403.9944 (fax)
www.weitzmanip.com

Richard Straussman
Senior Counsel
Direct Tel. (973) 403-9943
rstraussman@weitzmanip.com
Member New York, New Jersey & Connecticut Bars

December 15, 2021

VIA ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

**Re: 2109971 Ontario Inc. d/b/a Xcella Furniture v. Samira Furniture Ltd., et al.,
Civ. Action No. 1:21-cv-04092-DLC**

Dear Judge Cote:

We represent Plaintiff in the above-referenced matter and submit this joint letter motion, with Defendants' counsel's approval and consent, on behalf of all parties.

As this motion relates to discovery (although there is no dispute involved), pursuant to Local Civil Rule 37.2 and 37.3, the undersigned hereby certifies that the parties met and conferred with respect to this joint motion by phone on December 7, 2021. A copy of this joint letter was then sent to Defendants' counsel for approval on December 13, 2021, and approval for its filing was given on December 14, 2021.

Local Rule 33.3 provides that:

- (a) Unless otherwise ordered by the Court, at the commencement of discovery, interrogatories will be restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.
- (b) During discovery, interrogatories other than those seeking information described in paragraph (a) above may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the Court.
- (c) At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the Court has ordered otherwise.



Hon. Denise L. Cote
December 15, 2021
Page 2

The schedule entered by the Court is short, with the close of fact discovery at the end of April, 2022. Therefore, to facilitate prompt and complete discovery within the schedule, the parties hereby jointly respectfully request an Order providing relief from Local Rule 33.3 and granting leave to serve any type of interrogatories, including contention interrogatories, at any time after January 1, 2022. A proposed Order is attached.

Respectfully submitted on behalf
of all parties with permission,

*If the parties can seat, their
application is granted.
Denise Cote
12/15/21*

s/ Richard Straussman
Richard Straussman

Michael J. Brown (MB1357)
354 Eisenhower Parkway, Plaza 1, 2nd Fl., Ste. 2025
Livingston, New Jersey 07039
Tel.: (973) 577-6300
Fax: (973) 577-6301
Email: michael@mjbrownlaw.com

OF COUNSEL:

Kenneth S. Weitzman (KW8125)
Email: kweitzman@weitzmanip.com
Richard Straussman (RS5669)
Senior Counsel

Email: rstraussman@weitzmanip.com
WEITZMAN LAW OFFICES, LLC
425 Eagle Rock Avenue, Suite 401
Roseland, New Jersey 07068
Tel.: (973) 403-9940
Fax: (973) 403-9944
Attorneys for Plaintiff 2109971 Ontario Inc. d/b/a
Xcella Furniture